



## *Fair Housing Tip of the Month – May 2022*

### **Discrimination against Prospective Tenants with Section 8 Vouchers**

*Tenant: “I recently received a Section 8 Housing Choice voucher from a housing authority in California, and I have been trying to find housing. One landlord told me that they don’t accept Section 8 at all, which I thought was illegal. Another landlord started the process, but then refused to fix certain conditions in the unit to comply with the housing authority’s requirements. As a result, the housing authority couldn’t subsidize the rental, and I lost the unit. Are landlords allowed to behave this way towards Section 8 renters?”*

**The law says: No!** California law prohibits discrimination based on source of income, and as of 2020 this includes refusing to rent to Section 8 tenants. Some landlords have claimed that they accept Section 8, but they refuse to take the steps necessary to actually receive a subsidized tenant, such as making repairs to comply with habitability requirements. These landlords are therefore effectively denying housing to Section 8 tenants. However, new California fair housing regulations address these issues. Landlords are prohibited from refusing to allow inspections, complete paperwork, or make repairs to comply with a program’s habitability requirements.

While California law protects tenants from discrimination based on their source of income, the federal Fair Housing Act (FHA) does not. However, discrimination against people with housing vouchers and other subsidies might violate the FHA if it has a disparate impact on a federally-protected category of people. For example, if refusal to rent to people with Section 8 vouchers disproportionately excludes people of a certain race or people with disabilities from housing, that practice could violate federal fair housing law.

**What to do:** You may wish to inform the potential landlords who refused to accept your Section 8 voucher or refused to comply with the housing authority’s rules that their refusal is against California law. You can communicate this verbally, but it is always best practice to do this kind of correspondence in writing. You could write an email, text message or letter to the landlord requesting that they comply with the law and consider renting to you and/or take the actions necessary to meet your housing authority’s habitability requirements. Be sure to keep a copy of your correspondence for your records.

You may file a complaint for source of income discrimination with a local fair housing agency or the California Department of Fair Employment and Housing (DFEH). If you believe the landlord’s practice may be disproportionately affecting members of a federally-protected category, such as individuals of a certain race, you can also file a complaint with the U.S. Department of Housing and Urban Development (HUD).



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For California Relay Service TTY: (800) 735-2929  
*A nonprofit organization protecting and advancing the legal rights of people with mental health disabilities.*



***FAIR HOUSING:  
IT'S THE LAW!***

To file a complaint with HUD, call 800-669-9777, or visit [www.hud.gov/program\\_offices/fair\\_housing\\_equal\\_opp/complaint-process](http://www.hud.gov/program_offices/fair_housing_equal_opp/complaint-process)

To file a complaint with DFEH, call 800-884-1684, or visit [www.dfeh.ca.gov/complaint-process/file-a-complaint/](http://www.dfeh.ca.gov/complaint-process/file-a-complaint/)

Fair housing laws prohibit discrimination in housing based on the following characteristics: race, religion, national origin, color, sex, familial status, disability, marital status,\* ancestry,\* sexual orientation,\* gender identity,\* gender expression,\* genetic information,\* and source of income.\*

\*Covered under California law, but not federal law. (For most housing, California laws also prohibit discrimination on the basis of citizenship, immigration status and primary language.)

***Disclaimer: The Fair Housing Tip of the Month is for educational purposes only and does not constitute legal advice. If you have a legal question, please contact MHAS, your local fair housing council or another attorney of your choice.***

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